

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA 3442 of 2006

Date of Decision: 12.9.2006

Amar Nath

...Appellant

Versus

Birbal Dass and others

....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Amar Vivek, Advocate, for the appellant.

JUDGMENT

The defendant is in second appeal aggrieved against the judgment and decree passed by the Courts below, whereby suit for permanent injunction filed by the plaintiff-respondents was decreed, holding the plaintiffs to be in possession of suit land on the basis of sale deed dated 23.5.1991.

Learned counsel for the appellant has submitted that he is not challenging the decree for injunction granted by the Courts below, but his grievance is in respect of the finding recorded regarding the sale deed dated 19.4.1990 Exhibit D.1. It is pointed out that the appellant has filed a separate title suit, which is pending consideration and, therefore, the said finding arrived at without any issue will foreclose the claim of the appellant in the said suit.

I do not find any merit in the said argument. Since the present suit is only for injunction, any finding recorded in respect of the sale deed dated 19.4.1990, Exhibit D.1 is only for the purposes of determining the question of injunction and, therefore, the said finding will not foreclose the

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claim of the appellant in his title suit. Therefore, the apprehension expressed by the learned counsel for the appellant is not sustainable.

With the above observation, the present appeal stands disposed of.

12-09-2006
ds

(HEMANT GUPTA)
JUDGE